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7 **UNITED STATES DISTRICT COURT**  
8 **DISTRICT OF NEVADA**  
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10 MERS, INC.,

11 Plaintiff,

12 v.

13 LONNIE EARL HAWKINS, *et al.*,

14 Defendants.  
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Case No. 2:09-CV-00892-KJD-GWF

Bankruptcy Court No. BK-S-07-13593-LBR

**ORDER**

16 Presently before the Court is Appellant's Opening Brief (#9/10). Appellee Chapter 7 Trustee  
17 Lenard Schwartzer filed an Opening Brief (#17/18) and an Errata to Opening Brief (#20). Appellant  
18 filed a Consolidated Reply Brief (#21/22).

19 The parties agree that the Bankruptcy Court entered an Order of Dismissal on March 24,  
20 2008.<sup>1</sup> This order was entered and the case was closed before the Bankruptcy Court entered the  
21 Memorandum Opinion at issue on March 31, 2009.<sup>2</sup> Therefore, the Bankruptcy Court was without  
22 subject matter jurisdiction when it entered the Memorandum Opinion on March 31, 2009 in *In re*  
23 *Hawkins*, BK-S-07-13953-LBR. See *In re Taylor*, 884 F.2d 478 (9th Cir. 1989)(bankruptcy court  
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25 <sup>1</sup>Appellant's Appendix Vol. 9, p. 1978-79, Doc. No. 10; Bankruptcy Doc. No. 62.

26 <sup>2</sup>Appellant's Appendix Vol. 9, p. 1959-72, Doc. No. 10; Bankruptcy Doc. No. 73.

1 lacked subject matter jurisdiction to rule upon request from relief from stay after bankruptcy petition  
2 dismissed by final order).

3 Accordingly, IT IS HEREBY ORDERED that the Memorandum Opinion entered March 31,  
4 2009 in In re Hawkins, BK-S-07-13953-LBR is **REVERSED** and **VACATED as without subject**  
5 **matter jurisdiction;**

6 IT IS FURTHER ORDERED that all other outstanding motions are **DENIED as moot.**

7 DATED this 6<sup>th</sup> day of November 2009.

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12 Kent J. Dawson  
13 United States District Judge  
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